

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 13, 1998**

## DIVISION ONE

B113851 People (Not for Publication)

V.

Robert Ortiz and Juan Pablo Cortez

Affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Masterson, J.

B121793 People (Not for Publication)

V.

Phillips

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B118606 Waystations, Inc. (Not for Publication)

V.

Department of Real Estate, et al.

We affirm the judgment (order dismissing Waystations' application.) Respondents are entitled to their costs on appeal.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Masterson, J.

DIVISION ONE (Continued)

B111235      S.N.A. Autosound, Inc.      (Not for Publication)  
                 v.  
                 Lyons

The appeal is dismissed.

Ortega, Acting P.J.

We concur:   Masterson, J.  
                 Dunn, J. (Assigned)

B124427      Lo, et al.      (Certified for Publication)  
                 v.  
                 The Superior Court, County of Los Angeles, et al.  
                 County of Los Angeles

We issue the writ. We direct the trial court to vacate that portion of its order sustaining the State's and County's demurrer and distinguishing between Trammell's in-court and out-of-court conduct for respondent superior purposes. We direct the trial court to enter a new order overruling that demurrer and eliminating that distinction. In all other respects, the trial court's orders remain in full force and effect. Plaintiffs are entitled to their costs on the petition.

Ortega, Acting P.J.

We concur:   Vogel (Miriam A.), J.  
                 Dunn, J. (Assigned)

DIVISION THREE

[illegible]

The judgment is modified. The sentence as to count II, robbery is stayed. In all other respects, the judgment is affirmed..

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

B108722 People v. Maguire (Certified for Partial Publication)  
B112484 In Re John Maguire on Habeas Corpus

The petition for habeas corpus is granted. The superior court is directed to provide defendant with the opportunity to withdraw his pleas if he so elects by filing an appropriate motion within 30 days of the finality of this opinion. If no such motion is filed by defendant, the judgment shall stand affirmed.

Aldrich, J.

We concur:   Kitching, Acting P.J.  
                  Goodman, J. (Assigned)

B114599 People (Not for Publication)  
B120411 v.  
Thom

Judgment affirmed. Petition denied.

Aldrich, Acting P.J.

We concur: Klein, P.J.  
Goodman, J. (Assigned)

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J., and Jim Guzman, Deputy Clerk.

Each of the following:

B119559 People v. Orta  
B120267 People v. Nguyen  
B115617 People v. Alves & Dominguez  
B118591 People v. Revuelta  
B117451 People v. Barlow  
B113174 Brown v. Compton Unified School District  
B124755 Ammy M. v. S.C.L.A. & D.C.F.S.  
B114866 People v. Mack, Harris & Hudson  
B117680 People v. Albert M.  
B118150 People v. Madatyan

Argument waived, cause submitted.

B107782     Ebrahim  
                 v.  
                 American National Insurance

Merits:  
Argued by Leo James Terrell for appellant and by Steven J. Prough for respondent. Cause submitted.

B119896     Kidwell  
                 v.  
                 Palmrose

Merits:  
Argued by Sidney R. Matorin for appellant and by Fred D. Soldwedel for respondent. Cause submitted.

DIVISION FOUR (Continued)

B124696      Simon  
                 v.  
                 S.C.L.A.  
                 (Marylander, r.p.i.)

Merits:

Argued by Jon M. Leader for appellant and by David Elson for respondent.  
Cause submitted.

B122567      Lithographix  
                 v.  
                 University Systems

Merits on motion to dismiss:

Argued by Marvin D. Appelbaum for appellant and by Allen Botney for  
respondent. Cause submitted.

Court recessed.

The Court reconvened at 1:30 P.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J., and Jim Guzman, Deputy  
Clerk.

B118436      Cilderman  
                 v.  
                 City of Los Angeles

Merits:

Argued by Diane N. Wentworth for appellants and by Diane Marchant for  
respondent. Cause submitted.

B119031      People  
                 v.  
                 Gabriel V.

Merits:

Argued by Tara Selver for appellant and by Margaret E. Maxwell for  
respondent. Cause submitted

DIVISION FOUR (Continued)

B109723     Roybal  
              v.  
              Minnesota Mutual Life Ins.

Merits:  
Argued by Thomas P. Bleau for appellant and by Gregg M. Audet and  
Michael B. Tannatt for respondent. Cause submitted.

B113460     Private Movie Co.  
              v.  
              Anderson

Merits:  
Argued by Stanley A. Goldman for appellant and by E. Todd Trumper for  
respondent. Cause submitted.

B119091     Edelstein, Laird & Sobel  
              v.  
              Carlisle Insurance Co.

Merits:  
Argued by Bruce A. Friedman for appellant and by Marc R. Jacobs for  
respondent. Cause submitted.

B115029     Johnson  
              v.  
              McMahan

Merits:  
Argued by Merlin L. Reed Jr. for appellant and by Holly R. Paul for  
respondents. Cause submitted.

## DIVISION FOUR (Continued)

B115229 Whoop  
v.  
T. Rex Productions

Merits:  
Argued by Andrew Wheaton for appellant and by Gary E. Gans for respondents. Cause submitted.

B115563      Garfield Medical Center  
v.  
Belshe

Merits:  
Argued by Patric Hooper for appellant and by Sandra L. Goldsmith for respondent. Cause submitted.

Court Adjourned.

B116420      Thowtho      (Not for Publication)  
v.  
Southern California Permanente Medical Group et al.

The order awaiting attorney's fees against appellant is reversed; in all other respects, the judgment is affirmed. The parties are to bear their own costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

B115947      People  
v.  
LeCroy

Filed order granting petition for rehearing.

DIVISION FIVE

B119194 People (Not for Publication)  
v.  
James Pierce

The sentence is modified as follows: The ten-year firearm use enhancements impose but stayed on counts 4, 7, 14, 15, and 18 are stayed. The sixteen-month firearm use enhancements imposed for counts 1, 2, 6 11, 12, and 22 are increased to four years. The aggregate determinate sentence is 84 years, to which the 13 indeterminate sentences of 25 years to life run consecutively. A \$5,000 restitution fine is imposed, but suspended pursuant to section 1202.45. The abstract of judgment is modified to reflect the sentence modifications and the restitution fines. The abstract is further modified to reflect true findings by the jury as to the prior serious felony conviction allegations. As modified, the judgment is affirmed.

Grignon, Acting P.J.

We concur:    Armstrong, J.  
                         Godoy Perez, J.

B120825      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Myron C.

The judgment is affirmed.

Grignon, Acting P.J.

We concur:    Armstrong, J.  
                         Godoy Perez, J.



DIVISION SEVEN

[illegible]

The sentence is vacated and the case is remanded for resentencing so that the trial court may exercise its discretion with regard to whether appellant should be sentenced concurrently or consecutively on his several convictions.

Neal, J.

I concur: Lillie, P.J.  
I dissent: Woods, J.(Opinion)